

See Attachment

(52)  
12-1-00  
JL

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,	:	CIVIL NO. 1:00-CV-1090
	:	
Plaintiff	:	(Judge Rambo)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
DR. ROBERT CLARK,	:	
MARTIN L. DRAGOVICH,	:	
JOHN A. PALAKOVICH,	:	
ROBERT N. NOVOTNEY,	:	
MICHAEL J. KAZOR, and	:	
JOHN ANDRADE	:	
	:	
Defendants	:	
	:	

**FILED  
HARRISBURG, PA**

NOV 3 0 2000

**MARY E. D'ANDREA, CLERK**  
Per JL Deputy Clerk

ORDER

On October 30, 2000, the plaintiff filed a motion entitled "Motion for Order Allowing Plaintiff to Review and Copy his Prison Psychiatric/Mental Health Records" and a brief in support of that motion. The plaintiff is seeking an order compelling the defendants to provide him with copies of his mental health records. We construe the plaintiff's motion as a motion to compel discovery.

Local Rule 5.4(c) provides that "[i]f relief is sought under any of the Federal Rules of Civil Procedure, copies of

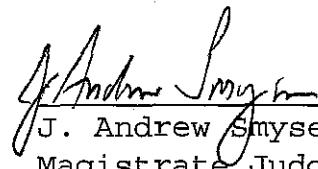
the discovery matters in dispute shall be filed with the court contemporaneously with any motion filed under these rules by the party seeking to invoke the court's relief."

The plaintiff has not attached to his motion a copy of any discovery request to the defendants for his mental health records or any response thereto by the defendants. It appears from the plaintiff's motion that he has not served a discovery request under the Federal Rules of Civil Procedure for copies of his mental health records. The court will not grant a motion to compel without there first being a discovery request served. We will deny the plaintiff's motion to compel.

On November 20, 2000, the corrections defendants filed a motion entitled "Corrections Defendants' Motion for Enlargement of Time to Respond to Plaintiff's Motion for Order Allowing Plaintiff to Review and Copy his Prison Psychiatric/Mental Health Records." The defendants are seeking an order that they are not required to respond to the plaintiff's motion for his mental health records until after

their motion to dismiss is decided by the court. Since we will deny the plaintiff's motion to compel, we will deny as moot the defendants' motion for an enlargement of time to respond to that motion.

AND NOW, this 29<sup>th</sup> day of November, 2000, IT IS HEREBY ORDERED that the plaintiff's motion (doc. 39) to compel is DENIED and that the correction defendants' motion (doc. 48) for an enlargement of time is DENIED AS MOOT.



J. Andrew Smyser  
Magistrate Judge

Dated: November 29, 2000.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

November 30, 2000

Re: 1:00-cv-01090 Jae v. Clark

True and correct copies of the attached were mailed by the clerk to the following:

John Richard Jae  
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175 Progress Drive  
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James D. Young, Esq.  
LAVERY, FAHERTY, YOUNG & PATTERSON, P. C.  
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Fax No.: 717-233-7003

Robert M. Wolff, Esq.  
PA Department of Corrections  
Office of Chief Counsel  
55 Utley Drive  
Camp Hill, PA 17011-8028

CC:  
Judge \_\_\_\_\_  
Magistrate Judge \_\_\_\_\_  
U.S. Marshal \_\_\_\_\_  
Probation \_\_\_\_\_  
U.S. Attorney \_\_\_\_\_  
Atty. for Deft. \_\_\_\_\_  
Defendant \_\_\_\_\_  
Warden \_\_\_\_\_  
Bureau of Prisons \_\_\_\_\_  
Ct Reporter \_\_\_\_\_  
Ctroom Deputy \_\_\_\_\_  
Orig-Security \_\_\_\_\_  
Federal Public Defender \_\_\_\_\_  
Summons Issued \_\_\_\_\_

with N/C attached to complt. and served by:  
U.S. Marshal ( ) Pltf's Attorney ( )  
Standard Order 93-5 \_\_\_\_\_  
Order to Show Cause \_\_\_\_\_ with Petition attached & mailed certified mail  
to: US Atty Gen ( ) PA Atty Gen ( )

Bankruptcy Court                    ( )  
Other \_\_\_\_\_ ( )

DA of County ( ) Respondents ( )

MARY E. D'ANDREA, Clerk

DATE: 11/30/00

BY: JES  
Deputy Clerk